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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,671

08/26/2003

Claire Brissot

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05/05/2005

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
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WILMINGTON, DE 19805

EXAMINER

ROBERTSON, JEFFREY

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/648,671	Applicant(s) BRISSOT, CLAIRE	
	Examiner Jeffrey B. Robertson	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1203,0204</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: For claim 15, the claim does not set forth from which claim it depends. It appears that this claim should be dependent from claim 14 and will be treated as such for examination purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montanari et al. (CA 2,319,850) in view of Mordecai et al. (EP 0 639 613 A1), both cited on Information Disclosure Statements submitted by applicant.

For claim 1, Montanari teaches a composition used for the preparation of articles that contains a matrix polyester and a ethylene copolymer. The composition contains

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40-97 parts of the polyester and 3-60 parts of the ethylene copolymer. See English abstract. Montanari teaches that a preferred copolymer is an ethylene/butyl acrylate copolymer containing 70% ethylene and 30% acrylate. Page 12, lines 33-34. For claims 1, 7, and 8, Montanari teaches that the polyester contains rigid (crystalline) segments and is derived from terephthalic acid and ethylene or butane diol. Page 5, lines 1-5.

Montanari fails to teach an addition of a short fiber as claimed in claims 3-6.

Mordecai teaches compositions containing polyesters and short fibers that are used for molded articles. Mordecai teaches that the short fibers have number average diameters of between 0.1-10 micrometers and a length of about 1-50 micrometers.

Mordecai teaches that the fiber is present in an amount of 5-50 weight percent. Page 3, lines 1-8. Mordecai teaches that the aspect ratio ranges from 1-10. Mordecai teaches that the preferred fibers are wollastonite. Page 8, lines 50-56. These ranges either overlap or encompass the ranges claimed in claims 1 and 3-5.

Montanari and Mordecai are analogous art in that they both teach polyester molding compositions. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the fibers of Mordecai in the compositions of Montanari. The motivation would have been that Montanari is concerned with the impact resistance of articles. Mordecai teaches an improvement of impact resistance and surface properties of articles through the incorporation of fibers. One of ordinary skill in the art would have added the fibers to obtain these improvements in the resulting articles.

For claims 9-15, on page 2, lines 1-21, Mordecai teaches that the articles can be automobile parts with smooth surfaces. It would have been obvious to one of ordinary

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skill in the art at the time of the invention to use the articles as automobile parts or appliances and to paint the articles to obtain desired colors.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yabe et al. (U.S. Patent No. 4,362,775), Seifried et al. (U.S. Patent No. 4,568,616), Chen et al. (U.S. Patent No. 5,554,120), Goto et al. (U.S. Patent No. 6,344,207), and Tachikawa et al. (U.S. Patent No. 6,375,863) are cited for general interest.

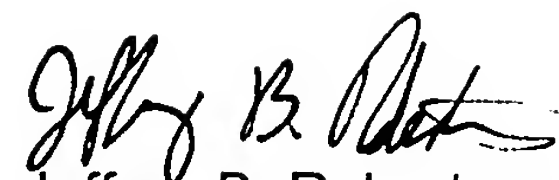
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jeffrey B. Robertson
Primary Examiner
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JBR